

REMARKS

I Introduction

Claims 15-29 are pending in this application. The Examiner has indicated that claims 1-14 are pending in this application, and that claims 1-14 are rejected. Since claim 1-14 were canceled in the Preliminary Amendment mailed on January 29, 2002, Applicants assume that claims 15-29 are rejected. Claims 15, 16, 20 and 27 have been amended herein.

Applicants thank the Examiner for acknowledging the foreign priority claim and receipt of the certified copies of the priority documents.

II. Rejection of Claims 15-29 under 35 U.S.C. § 102(b)

Claims 15-29 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,406,490 ("Braegas"). Applicants respectfully submit that the rejection should be withdrawn for at least the following reasons.

To anticipate a claim under 35 U.S.C. § 102(b), the Office must demonstrate that each and every claim limitation is *identically disclosed* in a single prior art reference. (See Scripps Clinic & Research Foundation v. Genentech, Inc., 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). "The identical invention must be shown in as complete detail as is contained in the claim." M.P.E.P. § 2131. If any claimed element is absent from a prior art reference, it cannot anticipate the claim. See Rowe v. Dror, 112 F.3d 473, 478 (Fed. Cir. 1997).

Amended claim 15 recites a navigational system that includes a calculation unit for calculating two separate routes from a starting point to a destination, and "a reproducing device configured to reproduce the calculated first route and the at least one second route for selection by a user." While the Examiner cites column 2, lines 4-42 of Braegas as teaching the limitations of claim 15, nothing in Braegas actually teaches or suggests the limitations of claim 15, i.e., Braegas does not teach or suggest calculating **two separate routes to be reproduced on a reproducing device for selection by a user.**

Instead, Braegas merely teaches the following: a) calculating a route “on the basis of the position of the vehicle and the preset destination” (col. 3, l. 34-36); b) “if the radio traffic service information” received by the receiver effects the route initially determined, a new route is calculated (col. 3, l. 50-56); c) “the two determined routes are now **compared by the navigation system** in respect to driving time” (col. 3, l. 60-62); and d) if “the old route is faster than the newly determined route, the newly determined route is discarded,” but “if it is found that the destination can be reached quicker on the basis of the new route, the new route for the navigation system is used to guide the driver.” (Col. 3, l. 66 - col. 4, l. 4). Accordingly, Braegas merely discloses a navigation system that adopts a new driving route in response to relevant radio traffic service information “if the destination can be reached quicker on the basis of the new route,” but Braegas has nothing to do with calculating **two separate routes to be reproduced on a reproducing device for selection by a user.**

For at least the foregoing reasons, claim 15 and its dependent claims 16-29 are not anticipated by Braegas. Withdrawal of the anticipation rejection is respectfully request.

Independent of the above, Braegas also fails to disclose or suggest “a selection unit configured to enable the user to select one of the reproduced routes,” as recited in dependent claim 16. As noted above in connection with claim 15, the navigation system of Braegas automatically makes the route selection, and Braegas does not provide a capability for the user to select between two alternate routes. For this additional reason, claim 16 is not anticipated by Braegas.

Regarding amended claim 20, which recites “an input device configured to enable the user to input data to manipulate or change at least one of the reproduced routes, the manipulated or altered routes being selectable by the user for route guidance,” nothing in Braegas teaches or suggests these features. The section of Braegas cited by the Examiner, i.e., col. 2, l. 26-32, merely indicates that a release circuit “releases advisories referring to the changed routing for display,” which is completely unrelated to an input device

for manipulating or changing at least one of the reproduced routes, let alone having anything to do with selection of “the manipulated or altered routes . . . by the user for route guidance.” For this additional reason, claim 20 is not anticipated by Braegas.

Regarding claim 25, which recites that “the reproducing device is configured to reproduce the traffic disruptions in the form of isolines,” and regarding claim 26, which recites that “the reproducing device is configured to reproduce the traffic disruptions in the form of an isographic diagram,” nothing in Braegas teaches or suggests these features. The section of Braegas cited by the Examiner, i.e., col. 4, l. 59 - col. 5, l. 19, merely indicates that the traffic information and reasons for the altered route may be provided via the display device 14. For this additional reason, claims 25 and 26 are not anticipated by Braegas.

Regarding claim 27, which recites “a selection unit configured to enable the user to select one of the reproduced routes, wherein the calculation unit is configured to calculate at least one additional route which differs from the selected route,” Braegas does not disclose or suggest this feature. First, Braegas fails to disclose or suggest a selection unit for a user to select one of the two reproduced routes. Second, Braegas also fails to disclose or suggest calculating a third route which differs from the route that was initially selected from the first two reproduced routes. For this additional reason, claim 27 is not anticipated by Braegas.

For the foregoing reasons, Braegas does not anticipate the subject matter of claims 15-29.

CONCLUSION

In light of the foregoing, Applicants respectfully submit that all of the pending claims 15-29 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

The Office is authorized to charge any fees associated with this Amendment to Kenyon & Kenyon Deposit Account No. 11-0600.

Respectfully submitted,

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